

APPEAL NO. 031895
FILED SEPTEMBER 5, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 18, 2003. The hearing officer resolved the disputed issues by deciding that on _____, the appellant (claimant) did not sustain a compensable injury in the form of an occupational disease and that the claimant did not have disability. The claimant appeals, disputing the determinations. The claimant contends on appeal that the medical evidence establishes that her condition was related to her work. The appeal file does not contain a response from the respondent (carrier).

DECISION

Affirmed.

In her appeal, the claimant states that the hearing officer did not reference reports from her treating doctor and speech pathologist, questioning whether he even reviewed the evidence. We find no merit in claimant's assertion that the hearing officer failed to review all of the evidence. Section 410.168 requires only that the hearing officer make findings of fact and conclusions of law and does not require a statement of the case or statement of the evidence. The hearing officer stated in the decision that he considered all of the evidence. We perceive no error.

The claimant had the burden to prove that she sustained a compensable injury in the form of an occupational disease as defined in Section 401.011(34) and that she has had disability as defined by Section 401.011(16). Conflicting evidence was presented on the disputed issues. The claimant argues that the medical evidence supports her contention that she sustained a compensable injury in the form of an occupational disease. However, the hearing officer specifically found that the claimant's voice/larynx problems occurring when her voice "locked up" on _____, were not the result of work for her employer. The hearing officer is the sole judge of the weight and credibility to be given to the evidence and the relevance and materiality to assign to the evidence. Section 410.165(a). As the fact finder, the hearing officer is charged with the responsibility of resolving the conflicts in the evidence, including the medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer may believe all, none, or any part of the testimony of a witness and may properly decide what weight he should assign to the evidence before him. Campos. The question under our standard of review is whether the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Applying this standard, we find sufficient evidence to support the hearing officer's finding that the claimant did not sustain a compensable injury on _____. The 1989 Act requests the existence of a compensable injury as a prerequisite to a finding of disability. Because we have

affirmed the determination that the claimant did not sustain a compensable injury, we likewise affirm the determination that she did not have disability.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **HARTFORD UNDERWRITERS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Margaret L. Turner
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Chris Cowan
Appeals Judge